

# EXHIBIT L

1 IN THE UNITED STATES DISTRICT COURT

2 SOUTHERN DISTRICT OF NEW YORK

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4 IN RE: KEURIG GREEN : Civil Action No.

5 MOUNTAIN SINGLE-SERVE COFFEE : 14-md-02542-VSB

6 ANTITRUST LITIGATION MDL No. 2542

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8  
9 Continued Videotaped 30(b)(6) Deposition of Keurig

10 Green Mountain, by Mark Wood

11 Burlington, Massachusetts

12 February 14, 2020

13 9:02 a.m.

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16  
17  
18  
19  
20  
21  
22 Job No.: 297947

23 Pages: 276 - 520

24 Reported By: Alan H. Brock, RDR, CRR

1 recalled by Keurig; correct? 15:39:07

2 A. I don't know that we ever had a formal 15:39:14

3 product recall, but we did take B31 back out of -- 15:39:16

4 off of retail shelves. But I don't think it was 15:39:24

5 classified as a formal recall. 15:39:26

6 Q. All right, let's show you Plaintiffs' 15:39:28

7 Exhibit 791 and see if that refreshes your 15:39:31

8 recollection. It's entitled United States Consumer 15:39:34

9 Product Safety Commission, "Keurig recalls Mini Plus 15:39:40

10 Brewing Systems due to burn hazard." Does that 15:39:46

11 refresh your recollection that Keurig on or about 15:40:07

12 December 23rd, 2014, recalled the B31 brewer? 15:40:09

13 MS. NEWTON: Objection, form. 15:40:18

14 A. Yes, this would indicate that this is 15:40:19

15 something from the CPSC that indicates it was a 15:40:24

16 recall. 15:40:27

17 Q. And the hazard listed in the statement from 15:40:29

18 the Consumer Product Safety Commission is, "Water 15:40:32

19 can overheat during brewing, spray out, and burn 15:40:35

20 consumers." Correct? 15:40:39

21 A. Yes. 15:40:41

22 Q. Now, going back to Figure 1 -- oh, and by 15:40:43

23 the way, staying with the recall: It says the 15:40:48

24 product at issue, if you look at Page 3 of 5 -- it 15:40:53

25 says, "This recall involves Keurig Mini Plus Brewing 15:40:56

1 System with Model No. K10 (previously identified as 15:41:01  
2 Model No. B31)." Correct? 15:41:06  
3 A. Yes. 15:41:12  
4 Q. Okay. Now, if you go back to Mr. 15:41:12  
5 Sullivan's test and the photo in Figure 1 showing 15:41:15  
6 the delamination, it indicates in that caption that 15:41:21  
7 that cup that delaminated was used in a B31 brewer; 15:41:27  
8 correct? 15:41:37  
9 A. Yes, that's correct. 15:41:37  
10 Q. And the other cup that you referenced, the 15:41:43  
11 other photograph, Figure 2, that caption says, 15:41:44  
12 "Photo showing lid weld failure resulting in hot 15:41:49  
13 water leaking from brew chamber after brewing Grove 15:41:54  
14 Square light roast using a B31 brewer." Have I read 15:41:58  
15 that correctly? 15:42:03  
16 A. You have. 15:42:04  
17 Q. Now, in the declaration that Mr. Sullivan 15:42:06  
18 submitted to the Court seeking to take Grove Square 15:42:16  
19 products off the market, he nowhere told the Court 15:42:18  
20 that those two failures were in the B31 brewer, did 15:42:22  
21 he? 15:42:29  
22 MS. NEWTON: Objection, form. 15:42:29  
23 A. No, he didn't. But you're making a 15:42:31  
24 presumption that it's the same brewer with the same 15:42:35  
25 internals, and it's a difference of a four-year time 15:42:38

1 this didn't become an issue until years later, which 15:45:20  
2 is why I'm referencing that there were changes made 15:45:23  
3 to the brewer that affected how it operated. 15:45:25

4 And so to say that this was a known 15:45:29  
5 thing in 2010 I think is not true. You're 15:45:32  
6 conflating brewers and time periods. 15:45:38

7 Q. Is it your testimony under oath that Keurig 15:45:40  
8 had not received any burn complaints relating to the 15:45:53  
9 B31 brewer prior to Mr. Sullivan's tests? Is that 15:46:00  
10 your testimony? 15:46:04

11 A. I don't know that we did. 15:46:04

12 Q. Let me show you what's been previously 15:46:17  
13 marked as Plaintiffs' Exhibit 682, which is a 15:46:31  
14 settlement agreement between the Consumer Product 15:46:33  
15 Safety Commission and Keurig. In particular, take a 15:46:38  
16 look at Paragraph 7. 15:46:52

17 Actually, before Paragraph 7, let's 15:47:01  
18 start with Paragraph 4, which reads, "Between 15:47:04  
19 December 2009 and December 2014, Keurig imported and 15:47:09  
20 offered for sale in the United States approximately 15:47:13  
21 6.6 million Keurig Mini Plus Brewing Systems (model 15:47:17  
22 K10, previously identified as Model B31) ('Brewers' 15:47:23  
23 or 'Subject Products')." 15:47:31

24 Then if you look at -- have I read that 15:47:38  
25 correctly? 15:47:41

1	A. Yes.	15:47:41
2	Q. And then if you look at Paragraph 7, it	15:47:42
3	says, quote, "Between February 2010 and November	15:47:44
4	2014, Keurig received approximately 200 incident	15:47:53
5	reports of hot water, coffee, and coffee grounds	15:47:56
6	spraying out of the Brewers ('Incidents')."	15:47:59
7	So do you have any reason to doubt that	15:48:09
8	the complaints with respect to the B31 brewer	15:48:11
9	started as early as February 2010?	15:48:15
10	A. This would indicate that a complaint was	15:48:25
11	received at that time.	15:48:26
12	THE VIDEOGRAPHER: Excuse me? Can you	15:48:27
13	two switch microphones?	15:48:31
14	(Discussion off the record.)	15:48:49
15	Q. And Keurig and Mr. Sullivan decided for	15:49:04
16	themselves that the Court didn't need to know about	15:49:06
17	those complaints, which had started many months	15:49:09
18	earlier before his declaration; correct?	15:49:13
19	MS. NEWTON: Objection, form.	15:49:17
20	A. It wasn't a consideration at that time	15:49:22
21	because we didn't have incidents of that happening	15:49:26
22	where we thought there was a potential problem with	15:49:38
23	the brewer back in 2010.	15:49:43
24	Q. Really? So incidents of people getting	15:49:47
25	injured by hot water because of the B31 brewer you	15:49:50